| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/036,304 | 12/28/2001 | Tara A. Burnhouse | 871.0103.U1(US) | 2753 |

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|---|---|---|

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| EXAMINER |
|---|
| MILORD, MARCEAU |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2682 | |

DATE MAILED: 06/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address --* .

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *22 February 2005*.

2a)☐ This action is **FINAL**.     2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☐ Claim(s) *1-21* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

## DETAILED ACTION

## Claim Rejections - 35 USC § 103

1.     The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or
>
> described as set forth in section 102 of this title, if the differences between the subject
>
> matter sought to be patented and the prior art are such that the subject matter as a whole
>
> would have been obvious at the time the invention was made to a person having ordinary
>
> skill in the art to which said subject matter pertains. Patentability shall not be negatived
>
> by the manner in which the invention was made.

2.     Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walsh et al

(US Patent No 6144848) in view of Herrod et al (US Patent No 6405049 B2) and Soini et al (US

Patent No 6445932 B1).

Regarding claims 1 and 3, Walsh et al discloses a system (figs. 1-3) for displaying data

transfer rates on a display comprising: a system for displaying the transfer rates in an

alphanumeric mode or an alternative graphics mode (col. 3, line 40- col. 4, line 8; col. 17, line 5-

col. 18, line 41; col. 4, lines 10-47; col. 17, line 5- col. 18, line 41; col. 35, line 21- col. 36, line

26).

However, Walsh et al does not specifically disclose the features of a system for switching

between displaying the transfer rates in the alphanumeric mode and the graphics mode.

On the other hand, Schwoegler, from the same field of endeavor, discloses an individualized, location specific weather forecasting system in which the location of an electronic device is detected; and weather data is generated and transmitted to the electronic device so that subscribers receive weather forecast data specific to their current location (col. 2, lines 15-63). In addition, service provided by this system can be selected and displayed a webpage via a personal computer. Forecasting subsystem is responsive to weather data received from a means for generating weather data such as weather data vendor and responsive to a means for detecting the current location of electronic device. In response to the weather data and the location of electronic device, system transmits to electronic device weather forecast data specific to the current location of electronic device which may be a cellular telephone This system features highly flexible, easy-to-use graphic interfaces, extremely fast data access/displays, and automatic generation of weather products without operator interaction. Prediction processor is programmed to create weather forecast information (col. 5, line 21- col. 6, line 45; col. 9, line 61- col. 10, line 17; col. 12, lines 4-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Schwoegler to the communication system of Walsh in order to allow users to receive weather forecast information on wireless mobile electronic devices such as cellular telephones.

Regarding claim 2, Walsh et al as modified discloses a system (figs. 1-3) for displaying data transfer rates on a display, wherein the system for switching comprises a keypad on a portable radio communication device (col. 15, lines 24- 32;col. 25, lines 35-44; col. 29, lines 3-15; col. 33, lines 10-25).

Regarding claim 4, Walsh et al as modified discloses a system (figs. 1-3) for displaying data transfer rates on a display, wherein the system for switching comprises a menu selectable feature displayed on the display (col. 4, lines 10-47;col. 35, line 21- col. 36, line 26).

Regarding claim 5, Walsh et al as modified discloses a system (figs. 1-3) for displaying data transfer rates on a display, further comprising a system for inactivating display of the data transfer rate on the display (col. 17, line 5- col. 18, line 41).

Regarding claim 6, Walsh et al as modified discloses a system (figs. 1-3) for displaying data transfer rates on a display, wherein the system for switching comprises means for not displaying the transfer rates in either the alphanumeric mode or the graphics mode (col. 18, line 34- col. 19, line 33).

Regarding claim 7, Walsh et al as modified discloses a mobile radio telephone (figs. 1-5) comprising: a display; a transceiver; and a controller coupled to the display and the transceiver (col. 25, lines 17-67), wherein the controller further comprises the system for displaying data transfer rates (col. 20, line 24- col. 21, line 16).

However, Walsh et al does not specifically disclose a system for switching between displaying the transfer rates in the alphanumeric mode and the graphics mode.

On the other hand, Schwoegler, from the same field of endeavor, discloses an individualized, location specific weather forecasting system in which the location of an electronic device is detected; and weather data is generated and transmitted to the electronic device so that subscribers receive weather forecast data specific to their current location (col. 2, lines 15-63). In addition, service provided by this system can be selected and displayed a webpage via a personal computer. Forecasting subsystem is responsive to weather data received

from a means for generating weather data such as weather data vendor and responsive to a means for detecting the current location of electronic device. In response to the weather data and the location of electronic device, system transmits to electronic device weather forecast data specific to the current location of electronic device which may be a cellular telephone This system features highly flexible, easy-to-use graphic interfaces, extremely fast data access/displays, and automatic generation of weather products without operator interaction. Prediction processor is programmed to create weather forecast information (col. 5, line 21- col. 6, line 45; col. 9, line 61- col. 10, line 17; col. 12, lines 4-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Schwoegler to the communication system of Walsh in order to allow users to receive weather forecast information on wireless mobile electronic devices such as cellular telephones.

Regarding claim 8, Walsh et al as modified discloses a mobile radio communication device (figs. 1-5) having a display and a transceiver for transmitting and receiving data, the improvement comprising: means for displaying a data transfer rate of data with the transceiver on the display in an alphanumeric format (col. 33, lines 10-25; col. 31, lines 16- 37).

Regarding claim 9, Walsh et al as modified discloses a mobile radio communication device (figs. 1-5) further comprising means for displaying the data transfer rate on the display in a graphical format (col. 4, lines 10- 47;col. 35, line 21- col. 36, line 26).

However, Walsh et al does not specifically disclose a means for switching between displaying the transfer rates in the alphanumeric mode and the graphics mode.

On the other hand, Schwoegler, from the same field of endeavor, discloses an

individualized, location specific weather forecasting system in which the location of an

electronic device is detected; and weather data is generated and transmitted to the electronic

device so that subscribers receive weather forecast data specific to their current location (col. 2,

lines 15-63). In addition, service provided by this system can be selected and displayed a

webpage via a personal computer. Forecasting subsystem is responsive to weather data received

from a means for generating weather data such as weather data vendor and responsive to a means

for detecting the current location of electronic device. In response to the weather data and the

location of electronic device, system transmits to electronic device weather forecast data specific

to the current location of electronic device which may be a cellular telephone This system

features highly flexible, easy-to-use graphic interfaces, extremely fast data access/displays, and

automatic generation of weather products without operator interaction. Prediction processor is

programmed to create weather forecast information (col. 5, line 21- col. 6, line 45; col. 9, line

61- col. 10, line 17; col. 12, lines 4-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply the technique of Schwoegler to the communication system of

Walsh in order to allow users to receive weather forecast information on wireless mobile

electronic devices such as cellular telephones.

Regarding claim 10, Walsh et al as modified discloses a mobile radio communication

device (figs. 1-5), wherein the means for switching comprises a user actuatable keypad (col. 4,

lines 10- 47; col. 35, line 21- col. 36, line 26).

Regarding claims 11-13, Walsh et al discloses a mobile radio communication device (figs. 1-5) comprising: a transceiver; a controller coupled to the transceiver; a display coupled to the controller, wherein the controller is adapted to display on the display a data transfer rate of data by the transceiver (col. 33, lines 10-25; col. 31, lines 16-37; col. 4, lines 10-47; col. 17, line 5- col. 18, line 41; col. 35, line 21- col. 36, line 26).

However, Walsh et al does not specifically disclose the features of a system for inactivating display of the data transfer rate on the display while the transceiver is transmitting or receiving the data; wherein the controller is adapted to display the data transfer rate in either an alphanumeric format or a graphical format; a system for allowing a user to switch between display of the data transfer rate in either the alphanumeric format or the graphical format.

On the other hand, Schwoegler, from the same field of endeavor, discloses an individualized, location specific weather forecasting system in which the location of an electronic device is detected; and weather data is generated and transmitted to the electronic device so that subscribers receive weather forecast data specific to their current location (col. 2, lines 15-63). In addition, service provided by this system can be selected and displayed a webpage via a personal computer. Forecasting subsystem is responsive to weather data received from a means for generating weather data such as weather data vendor and responsive to a means for detecting the current location of electronic device. In response to the weather data and the location of electronic device, system transmits to electronic device weather forecast data specific to the current location of electronic device which may be a cellular telephone This system features highly flexible, easy-to-use graphic interfaces, extremely fast data access/displays, and automatic generation of weather products without operator interaction. Prediction processor is

programmed to create weather forecast information (col. 5, line 21- col. 6, line 45; col. 9, line 61- col. 10, line 17; col. 12, lines 4-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Schwoegler to the communication system of Walsh in order to allow users to receive weather forecast information on wireless mobile electronic devices such as cellular telephones

Regarding claim 14, Walsh et al as modified discloses a mobile radio communication device (figs. 1-5), wherein the system for allowing a user to switch between display formats comprises a menu selectable feature (col. 4, lines 10- 47;col. 35, line 21- col. 36, line 26).

Regarding claim 15, Walsh et al as modified discloses a mobile radio communication device (figs. 1-5), wherein the menu selectable feature also allows the user to activate the system for inactivating display of the data transfer rate (col. 17, line 5- col. 18, line 41).

Claims 16 contains similar limitations addressed in claim 11, and therefore is rejected under a similar rationale.

Regarding claims 17-18, Walsh et al discloses a method (figs. 1-3) of displaying a data transfer rate on a display, the method comprising steps of: selecting, by a user, a data transfer rate display mode from a plurality of data transfer rate display modes (col. 3, line 40- col. 4, line 8; col. 17, line 5- col. 18, line 41;col. 4, lines 10-47; col. 17, line 5- col. 18, line 41; col. 35, line 21- col. 36, line 26).

However, Walsh et al does not specifically disclose the features of displaying the data transfer rate on the display based upon the selected data transfer rate display mode, wherein the

plurality of data transfer rate display modes comprises an alphanumeric display mode and a graphical display mode.

On the other hand, Schwoegler, from the same field of endeavor, discloses an individualized, location specific weather forecasting system in which the location of an electronic device is detected; and weather data is generated and transmitted to the electronic device so that subscribers receive weather forecast data specific to their current location (col. 2, lines 15-63). In addition, service provided by this system can be selected and displayed a webpage via a personal computer. Forecasting subsystem is responsive to weather data received from a means for generating weather data such as weather data vendor and responsive to a means for detecting the current location of electronic device. In response to the weather data and the location of electronic device, system transmits to electronic device weather forecast data specific to the current location of electronic device which may be a cellular telephone This system features highly flexible, easy-to-use graphic interfaces, extremely fast data access/displays, and automatic generation of weather products without operator interaction. Prediction processor is programmed to create weather forecast information (col. 5, line 21- col. 6, line 45; col. 9, line 61- col. 10, line 17; col. 12, lines 4-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to apply the technique of Schwoegler to the communication system of Walsh in order to allow users to receive weather forecast information on wireless mobile electronic devices such as cellular telephones.

Regarding claim 19, Walsh et al as modified discloses a method (figs. 1-3) of displaying a data transfer rate on a display, wherein the plurality of data transfer rate display modes further

comprises an OFF display mode which prevents displaying of the data transfer rate on the

display (col. 15, line 20- col. 16, line 7).

Regarding claim 20, Walsh et al as modified discloses a method (figs. 1-3) of displaying

a data transfer rate on a display, wherein the step of selecting a data transfer rate display mode

comprises selecting the display model from a menu of available display modes displayed on the

display (col. 4, lines 10- 47;col. 35, line 21- col. 36, line 26).

Regarding claim 21, Walsh et al discloses a method (figs. 1-3) of changing displaying of

a data transfer rate on a display of a portable communication device, the method comprising

steps of: selecting, by a user, to turn a displaying feature of the data transfer rate ON or OFF (col.

15, line 8- col. 16, line 57); and during data transfer by the portable communication device, a

controller of the portable communication device, connected to the display (col. 31, lines 16-37;

col. 35, line 21- col. 36, line 33; col. 19, line 23-col. 20, line 53; col. 22, lines 7- 23; col. 33, lines

10-25).

However, Walsh et al does not specifically disclose the step of preventing the display

from displaying the data transfer rate when the user has selected to turn the displaying feature

OFF.

On the other hand, Schwoegler, from the same field of endeavor, discloses an

individualized, location specific weather forecasting system in which the location of an

electronic device is detected; and weather data is generated and transmitted to the electronic

device so that subscribers receive weather forecast data specific to their current location (col. 2,

lines 15-63). In addition, service provided by this system can be selected and displayed a

webpage via a personal computer. Forecasting subsystem is responsive to weather data received

from a means for generating weather data such as weather data vendor and responsive to a means

for detecting the current location of electronic device. In response to the weather data and the

location of electronic device, system transmits to electronic device weather forecast data specific

to the current location of electronic device which may be a cellular telephone This system

features highly flexible, easy-to-use graphic interfaces, extremely fast data access/displays, and

automatic generation of weather products without operator interaction. Prediction processor is

programmed to create weather forecast information (col. 5, line 21- col. 6, line 45; col. 9, line

61- col. 10, line 17; col. 12, lines 4-27).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to apply the technique of Schwoegler to the communication system of

Walsh in order to allow users to receive weather forecast information on wireless mobile

electronic devices such as cellular telephones.


Response to Arguments

3.      Applicant's arguments with respect to claims 1-21 have been considered but are moot in

view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Marceau Milord whose telephone number is 571-272-7853. The

examiner can normally be reached on Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MARCEAU MILORD                          Marceau Milord

                                        Primary Examiner

                                        Art Unit 2682

MARCEAU MILORD
PRIMARY EXAMINER